

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Mark Allen Steinbach,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Patrick Branson, Deputy Warden)	
North Dakota State Penitentiary,)	Case No. 1:05-cv-101
)	
Defendant.)	

On March 30, 2006, the plaintiff, Mark Steinbach, filed a Motion to Amend Pleading seeking to amend the complaint to add punitive damages, identify that the defendant is sued in his official and individual capacities, and to request additional injunctive relief. (Docket No. 16). The plaintiff, however, did not file a proposed amended complaint along with his motion.

The defendant stated that he does not oppose the plaintiff's motion to amend as long as the proposed amended complaint is not "markedly different from the amendments proposed in the motion." (Docket No. 17). The Court instructed the plaintiff to forward, by May 22, 2006, a proposed amended complaint restating the claim of the original complaint and incorporating only the requested amendments into the proposed amended complaint. (Docket No. 18). The Court stated that it will then review the proposed amended complaint and if it complies with its order have it served upon the defendant.

The court has reviewed the proposed amended complaint and finds it complies with its previous orders and 28 U.S.C. § 1915A. In addition, the defendant did not file an objection of the proposed amended complaint. It is hereby **ORDERED** that the clerk's office serve the amended complaint upon the defendant. At this point, all of the claims will be allowed to go forward.

Dated this 12th day of June 2006.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.

United States Magistrate Judge